

Zoning Text Amendment No.: 15-04  
Concerning: Educational Institutions –  
Exemptions and Standards  
Draft No. & Date: 1 – 2/24/14  
Introduced: March 3, 2015  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Councilmember Floreen

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- clarify the private institutions exempt from a requirement for site plan approval, and
- amend the building height standards for educational institutions under certain circumstances.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-3.4. “Civic and Institutional Uses”  
Section 59-3.4.5. “Educational Institutions (Private)”

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.*  
*Underlining indicates text that is added to existing law by the original text amendment or by ZTA 14-09.*  
*[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment or text added by this amendment in addition to ZTA 14-09.*  
*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment or indicates a change from ZTA 14-09.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. DIVISION 59-3.4 is amended as follows:**

**DIVISION 59-3.4. Civic and Institutional Uses**

**\* \* \***

**Section 3.4.5. Educational Institution (Private)**

**A. Defined**

Educational Institution (Private) means a private school or educational or training academy providing instruction or programs of learning. Educational Institution (Private) includes tutoring and college entrance exam preparatory courses, art education programs, artistic performances, indoor and outdoor recreation programs and summer day camps, any of which may serve individuals who are not enrolled as students in the institution's academic program. Educational Institution (Private) does not include schools operated by the County Board of Education or education conducted in the provider's home as a Home Occupation (See Section 3.3.3.H, Home Occupation).

**B. Exemptions**

A conditional use is not required for:

1. [The conditional use standards in Section 3.4.5.C.2 do not apply for] any private educational institution or parochial school that is located in a building or on premises owned or leased by any church or religious organization, the government of the United States, the State of Maryland or any State agency, Montgomery County or any incorporated village or town within Montgomery County. This exemption does not apply to any Educational Institution (Private) that received conditional use approval by the Hearing Examiner to operate in a building or on a property that was not owned or leased by any church or religious organization at the time the decision of the Hearing Examiner was issued.

2. [A conditional use is not required for] any Educational Institution (Private) that is located in a building or on land that has been used for a public school or that is owned or leased by the County; however, site plan approval is required under Section 7.3.4[,] for:
  - a. construction of an Educational Institution (Private) on vacant land owned or leased by the County; or
  - b. any cumulative increase that is greater than 15% or 7,500 square feet, whichever is less, in the gross floor area, as it existed on February 1, 2000, of an Educational Institution (Private) located in a building that has been used for a public school or that is owned or leased by Montgomery County. Site plan approval is not required for:
    - [(i)] i. an increase in floor area of an Educational Institution (Private) located in a building that has been used for a public school or that is owned or leased by Montgomery County if a request for review under mandatory referral was submitted to the Planning Board on or before February 1, 2000, or
    - [(ii)] ii. any portable classroom used by a private educational institution that is located on property owned or leased by Montgomery County and that is in place for less than one year.

### C. Use Standards

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3. Unless a greater building height is allowed by the zone, the maximum building height for any private educational institution is 65 feet without regard to any other height limitations in this Chapter;

however, the height allowed under a conditional use approval must be  
compatible with the character of the residential community.

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**Sec. 2. Effective date.** This ordinance becomes effective 20 days after  
approval.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council